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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.6 OF 2007
IN
FAMILY COURT APPEAL NO.4 OF 2007

Bipin Kanaiyalal Trivedi ... Applicant

V/s.

Sushma Bipin Trivedi ... Respondent

CIVIL APPLICATION NO.7 OF 2007
IN
FAMILY COURT APPEAL NO.5 OF 2007

Bipin Kanaiyalal Trivedi ... Applicant

V/s.

Sushma Bipin Trivedi ... Respondent

Mrs.Neeta Karnik for Appellant-Applicant
Mr.M.M. Nazmi for Respondent

CORAM: **S.B. MHASE &**
SMT.NISHITA MHATRE, JJ.

DATED: **FEBRUARY 26, 2007**

P.C.:

. So far as the interim relief is concerned, in our view, the amount of maintainance of Rs.3,500/- taking into consideration the present standard and the lifestyle of the parties is not in any way exorbitant. Presently the husband and wife are staying in the premises at Dadar. The Family Court order directs that one bedroom hall kitchen premises should be given to the wife which is not possible for the appellant. However, presently the appellant and the respondent are staying

in one room premises and the learned Counsel for the wife states that she is ready to stay in the said premises and the respondent is not possessed of any other premises where the respondent can shift. The learned Counsel for the appellant-applicant submitted that it is not possible for the appellant to provide other premises at Dadar. However, some premises at Vasai are being pointed out but the wife is not accepting it. If the wife is not accepting the same, during the pendency of this Appeal, we do not want to take any final decision in respect of the premises. At the most we may observe that if the husband desires that he should not stay with his wife he may occupy the premises at Vasai which he has found at present for the wife.

2. Under these circumstances, therefore, we only direct stay of the decree to the extent of giving one bedroom kitchen hall. However, the wife will continue to stay in the present premises till the final disposal of the Appeal. Either both of them can share the same premises by amicable understanding and/or if the husband is not desirous of staying in the said premises, he may shift to the alternate premises available to him on rental basis at Vasai.

(NISHITA MHATRE, J.) (S.B. MHASE, J.)